

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BLONDELL SIMMONS,

Plaintiff,

v.

JEFFREY A. BEARD, et al.,

Defendants.

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Civil Action No. 07-50 Erie

**MEMORANDUM JUDGMENT ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on March 21, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on December 22, 2008 [89], recommends that the motion to dismiss [69] filed by Defendant Baronti be granted and that Defendant Baronti's alternative motion for a more definite statement [69] be denied as moot. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff's objections [90] were filed on January 7, 2009, and Defendant Baronti's response [91] was filed on January 20, 2009.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation, Plaintiff's objections, and Defendant's response thereto, the following order is entered:

AND NOW, this 30th Day of January, 2009;

IT IS HEREBY ORDERED that the motion to dismiss [69] filed by Defendant Baronti be granted and that Defendant Baronti's alternative motion for a more definite statement [69] be denied as moot.

The report and recommendation of Chief Magistrate Judge Baxter [89] dated December 22, 2008 is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
United States District Judge

cm: all parties of record.  
Chief U.S. Magistrate Judge Susan Paradise Baxter